

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MICHAEL D. ROSE et al.,

Plaintiffs,

v.

**Civil Action No. 5:22-cv-00405
Honorable Frank W. Volk**

JEFF SANDY, et al.,

Defendants.

DEFENDANTS' JOINT RESPONSE TO MOTION FOR STATUS CONFERENCE

NOW COME the County Commission Defendants, Wexford Health Sources, Inc., and PrimeCare Medical of West Virginia, Inc., by their respective counsel and hereby file this Response to the Motion for Status Conference and in support thereof, state as follows:

Plaintiffs filed the instant Motion seeking guidance from this Court as to whether the previous Scheduling Order deadlines and requirements remain in effect or if a new Scheduling Order will be put in place once there is a ruling on the Motion for Leave to File a Third Amended Complaint. (ECF No. 923). As far as Defendant Wexford Health Sources, Inc. is concerned, this lawsuit was dismissed against it with the caveat that Plaintiffs be granted leave to file an amended complaint. (ECF No. 908, p. 18). As for the County Commission Defendants, this lawsuit was dismissed against them with prejudice unless Plaintiffs could provide an explanation that the dismissal should be without prejudice. (ECF No. 908, p. 10).

In response to this Order, Plaintiffs filed a Motion for Leave to File a Third Amended Complaint which has since been fully briefed. (ECF Nos. 911, 913, 916, 918). At this time, this Court has not ruled on this Motion. Therefore, the County Commission Defendants and Wexford

Health Sources, Inc. are currently dismissed from this case pending a ruling on the Motion for Leave to Amend. Thus, Plaintiffs' request for guidance as to whether the previous Scheduling Order remains in effect is inapplicable to these Defendants and thus, a Status Conference is not necessary.

As it pertains to PrimeCare Medical of West Virginia, Inc., this Court denied without prejudice the Motions pending or filed by PrimeCare Medical of West Virginia, Inc. based on the bankruptcy stay. (ECF No. 908, n. 1). However, given Plaintiffs' Motion for Leave to Amend the Complaint, it does not believe a Status Conference is necessary until a ruling has been made pertaining to this Motion, should it be granted.

WHEREFORE, in light of the foregoing, the County Commission Defendants, Wexford Health Sources, Inc., and PrimeCare Medical of West Virginia, Inc. pray that this Honorable Court **DENY** Plaintiffs' Motion pertaining to them and further award these Defendants any and all other relief this Honorable Court deems just and proper.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing **DEFENDANTS' JOINT RESPONSE TO MOTION FOR STATUS CONFERENCE** was served upon the following parties through the Court's Electronic Case Filing (ECF) system on this day, June 6, 2024:

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